

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

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SEP 25 2001
AT BALTIMORE
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND DEPUTY

DORCAS WHITAKER :
Plaintiffs, :
vs. : CIVIL ACTION NO. MJG-98-3755
STATE OF MARYLAND :
DEPARTMENT OF PUBLIC SAFETY
AND CORRECTIONAL SERVICES, *et al.*,:
Defendants. :

ORDER

On October 24, 2000 summary judgment was granted in favor of defendants. Plaintiff's Motion for Relief from Judgment, or Alternatively, for Reconsideration of Grant of Summary Judgment was denied January 23, 2001. Plaintiff filed Notice of Appeal. On August 8, 2001 the Fourth Circuit Court of Appeals granted the parties' consent motion to dismiss. Defendants filed a timely Motion for Award of Costs in the amount of \$858.00. The motion is unopposed. The undersigned has reviewed the outstanding pleading relating to taxation of costs and finds no hearing necessary pursuant to Local Rule 105.6. (D.Md.).

FEES OF COURT REPORTERS FOR DEPOSITIONS

Defendants request reimbursement of \$858.00 associated with costs incurred for the depositions of plaintiff. The Clerk may tax the costs of depositions under F.R.Civ.P. 54(d) where they are necessary for the case. *See Crawford v. Fitting Co. v. J.T. Gibbons, Inc.*, 482 U.S. 437 (1987). To determine if a deposition expense is taxable, "(W)e should consider the extent of actual use of each deposition in cross-examination and otherwise and whether the taking was reasonably

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necessary to the party's case in light of the particular situation existing at the time of taking. It is not necessarily fatal to taxation that they were not introduced or otherwise used at the trial. *Advance Business Systems & Supply Co. v. SCM Corp.*, 287 F. Supp. 146, 165 (D.Md. 1968), *aff'd* 415 F.2d 55 (4th Cir. 1969). While the court may allow a deposition expense if the taking of that deposition was "reasonably necessary" in "light of the particular situation existing at the time of the taking," the Clerk's authority, in this district, is more limited. In this district, the Clerk has traditionally allowed: (1) the costs associated with deposing the parties in the case; (2) the costs of those depositions that were actually used in connection with the event that terminated the litigation; and (3) the costs of those depositions of trial witnesses. In light of the foregoing, the undersigned shall allow the taxation of fees associated with the deposition of plaintiff in the amount of \$858.00.

AWARD

Accordingly, costs are entered in favor of defendants and against plaintiff in the amount of \$858.00. The Clerk of Court shall docket and mail copies of this Order to all counsel in this case.

Dated this 25^{On} day of September, 2001.



Felicia C. Cannon
Clerk, United States District Court,
District of Maryland